

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS LAVERNE BAKER,

Petitioner,

v.

CASE NO. 10-CV-13304
HONORABLE AVERN COHN

LLOYD RAPELJE,

Respondent.

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ORDER DENYING PETITIONER'S MOTION FOR DISCOVERY

This is a habeas case under 28 U.S.C. § 2254. The matter is before the Court on Petitioner's motion for discovery. Petitioner seeks discovery of information relevant to the 1992 sexual assault evidence kit and/or the loss, destruction, or disposition of that kit. Respondent has filed an answer to the petition and the state court record, but the Court has yet to review those materials in detail.

"A habeas petitioner, unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course." *Bracy v. Gramley*, 520 U.S. 899, 904 (1997). Rule 6 of the Rules Governing Section 2254 Cases provides that a habeas court may authorize a party to conduct discovery upon a showing of good cause. 28 U.S.C. foll. § 2254, Rule 6(a). Petitioner has not made the requisite showing of "good cause" that the evidence and information he seeks are necessary for the disposition of this case.

Accordingly, Petitioner's motion for discovery is DENIED. If, upon further review

of the pleadings, the Court determines that additional materials are necessary for the proper resolution of this matter, it will take appropriate action. Petitioner need not file an additional motion concerning this issue.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: May 15, 2012

I hereby certify that a copy of the foregoing document was mailed to Curtis Baker, 211565, Newberry Correctional Facility, 3001 Newberry Avenue, Newberry, MI 49868 and the attorneys of record on this date, May 15, 2012, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160